

सत्यमेव जयते

GOPAL SUBRAMANIAM

R.D.No. 539 Date 14/3/11
Secretary (Labour/Ind)
A&N Administration
Secretariat

महा-सॉलिसिटर भारत
SOLICITOR-GENERAL OF INDIA

Secy (TW)
ACQW

No.M-185/SGI/2011

4th March 2011

14/3/11

Dear Shri Ajai Saxena.

Re: SLP (C) No.12125/2010

Lt. Governor, Andaman & Nicobar Admn. & Ors.

Versus

M/s Bare Foot Inns & Leisure Pvt. Ltd.

The above-referred matter was listed in the Hon'ble Supreme Court on 4.3.2011, before a Bench comprising of Hon'ble Mr. Justice G.S. Singhvi and Hon'ble Justice A.K. Ganguly.

I, along with Shri Aman Ahluwalia and Ms. Sadhna Sandhu, Advocates, appeared on behalf of the Petitioner. Shri S. Ganesh, Senior Advocate, appeared on behalf of the Respondent.

An application for intervention had been filed by the Member of Parliament for Andaman & Nicobar Islands. While the Hon'ble Court was pleased to allow the Application, it has not permitted the intervenor to file any affidavit or place any additional documents on record. A request was also made on behalf of the settlers in the 31 Revenue Villages situated in the Buffer Zone for permission to file an appropriate application. Their Lordships orally observed that no such permission was necessary, and any application would be considered as and when filed.

On behalf of the Petitioner, I submitted that the notification dated 30th October 2007 (notifying the "Buffer Zone") was being implemented in respect of tourist resorts and other commercial tourist establishments. I submitted that Dew Dale Resort and SKM Golden Beach Resort had been closed down, and Xalxo resort was not a part of the Buffer Zone. However, the area comprising the Buffer Zone also included 31 Revenue villages, containing 22,000 people, and many of these people had been settled in the Andaman & Nicobar Islands under various rehabilitation schemes of the Government of India. As such, small shops, tea stalls, eateries and other small commercial establishments in the Buffer Zone, which catered mainly to the needs of these settlers, ought not to be closed down as it would prejudice the livelihoods of several thousands of people. I submitted that the Notification dated 30.10.2007 had to be construed accordingly.

Shri S. Ganesh, Senior Advocate, appearing for the Respondent, disputed the fact that Xalxo Resort was located outside the Buffer Zone. He produced an internet advertisement of the resort itself, wherein it is stated that the resort is minutes away from the limestone caves which are in the Buffer Zone. Moreover,